

OPENING REMARKS BY JOSEPH BODUNRIN DAUDU SAN CHAIRMAN
GOVERNING COUNCIL OF THE AFRICAN BAR ASSOCIATION AT THE AFBA
ANNUAL CONFERENCE HOLDING AT PORT HARCOURT NIGERIA FROM THE 7TH
-11TH OF AUGUST 2017

PROTOCOL

His Excellency, Governor of Rivers State Nyesom Ezenwo Wike, Governors of other States here present, Representative of the Honourable the Chief Justice of Nigeria, The Chief Judge of Rivers State, Justices and Judges of Superior Courts here present. Speaker of the Rivers State House of Assembly, President, Council and Executive members of AFBA, Distinguished Delegates and Conferees, Members of the Press Corp, Invited Guests, Ladies and Gentlemen.

INTRODUCTION

This time last year, we were at Harare, Zimbabwe for the re-birth conference of the African Bar Association, (hereinafter referred to as 'AFBA') It was a resounding success. Port Harcourt, Nigeria, the venue of this year's conference is no doubt already a success. I make bold to say so because of the level of preparation that went into organising this conference. Our gratitude goes to the Governor of Rivers State, HE Nyesom Wike, whose support for this conference in financial, logistical and goodwill terms remain not only huge and unquantifiable but critical and indispensable to the success of the conference. We also appreciate all delegates and conferees in attendance, without whom, there would be no conference in the first place. I salute all invited guests, particularly resource persons and judicial officers, who have taken time off their well-deserved vacation to be here.

AFRICAN BAR ASSOCIATION AND WHAT IT STANDS FOR

At all times, the goal of AFBA is to be an umbrella for African legal practitioners to achieve the economic, social and political objectives of African nations. As I said last year; **'we need to be in the forefront of redirecting the progress and prosperity of this great continent'**. A welcome address of this nature is not the best forum to articulate the strategy and/or tactics for the achievement of this goal. Nonetheless, suffice to say that our best efforts for now is to stabilise the platform for such a movement. That platform is AFBA. Africa is faced with or afflicted by a myriad of challenges. They range from human trafficking in the worst forms – whether it is by the illicit movement of persons across the

Sahara in the guise of seeking greener pastures in Europe or outright modern-day slavery to bad governance by African Governments manifested by abuses of the Rule of Law and the rubbishing of the Independence of the Judiciary. Of great concern is the disdain by African Governments for the cherished right to life of Africans within their national borders. Too many Africans lose their lives needlessly owing to (i) inadequate or non-provision of security by leadership within national borders, (ii) the misuse of security forces by political leadership against the citizenry, (iii) the creation for political objectives by political leaders of artificial crises, which consumes the lives of citizens, (iv) in consequence of the foregoing, the emergence of refugee crises and internally displaced persons and (v) the neutralisation and compromise of judicial institutions within national borders. The question to ask is where are African lawyers in the face of these calamitous presentations? What role(s) should they play when these indices present themselves? The truth is that where National Bar Associations find that their best efforts are insufficient to make an impact in the resolution of the foregoing problems, they should call on the continental bodies for cooperation in fighting any local menace that may rear its head.

Last year I did remark that **‘efforts at creating such a momentum usually gets frustrated by petty bickering, unhealthy rivalry and envy among groups of the same persuasion’**. For those who can see beyond their noses, there is no bad blood and there ought not to be any between AFBA and PALU. As far as their objectives are concerned, I see no difference. But this penchant to exploit distinctions and make it a basis for acrimony will get us nowhere. More so, the African Charter for Human and Peoples Rights and its national equivalents allow for freedom of association among so many complimentary rights. It is therefore not a matter of surprise that as a matter of policy, African Bar Association believes and practices the right to freely associate with and among persons of the same persuasion so long as the objective of such group or groups is to place Africa at the centre piece of her actions. As stated above, the right to freely associate and impart ideas which is one of the cardinal rights is recognised by the African Charter on Human and Peoples rights and the Bill of Rights in many National Constitutions.

Consequently, we reiterate this point in the spirit of Pan-Africanism championed by the late Kwame Nkrumah (Ghana), Abdel Gamel Nasser (Egypt) and Leopold Senghor (Senegal) that AFBA stands ready to work with PALU or any other umbrella body of African layers to tackle the aforesaid problems and the other ones that have not been mentioned. The watchword should be **‘Cooperation’**.

Consequently, it is our mandate to work with other Regional or sub-regional groups such as the Regional and Continental courts i.e. SADAC, AU and ECOWAS Courts with a view to devising protocols among member States that will make the judgments of these courts not only binding but enforceable. No nation should be above or beyond the Rule of Law and no nation should be allowed to emasculate its domestic courts and also to proceed to render Regional and Continental avenues for redress such as the courts mentioned above irrelevant and ineffectual through disobedience of its judgments. This kind of reprehensible conduct should be resisted by AFBA through recourse to the Rule of Law.

Consequently, in the course of the year ahead, AFBA intends to push into a new gear, Council has mandated member countries to organise activities and events that will promote the objectives of the Association. Greater contact and cooperation is to be explored between AFBA and the African Union and the United Nations. Much as we try, we cannot wish the events of 1884 and its impact on modern day Africa away. That is why AFBA has called on France to intervene in the crises now being precipitated in Cameroon between the French and English-speaking parts of Cameroon before it gets out of hand. AFBA is ready to mediate if requested to as majority of our members from Cameroon are affected by this crisis. A stitch in time saves nine.

I return back to the theme of the Conference which is easing the mechanics of doing business in Africa. Bad economics and not politics is the bane of Africa's prosperity. Unless and until we get our economics and commerce right, Africa cannot rise and free itself from its shackles. It will do Delegates and Conferees a world of good if they take advantage of the resource materials on this theme and apply it after the conference is over to the resolution of Africa's business backwardness. It is not too late to make drastic adjustments.

So, I welcome you to this year's conference. Port Harcourt is a safe and beautiful African city. Please enjoy yourself.

Joseph Bodunrin Daudu SAN
Chairman Governing Council of the African Bar Association
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